



CITY OF MEMPHIS

COUNCIL AGENDA

April 25, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (April 11, 2006)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE - SECOND READING (none)

ZONING ORDINANCES - FIRST READING (none)

ZONING ORDINANCES - SECOND READING

1. **ORDINANCE** rezoning the southwest corner of Vance Avenue and Boyd Street, containing 0.24 acre (10,323 sq. ft.), in the Highway Commercial (C-H) District, up for S E C O N D reading.

Peete

Ordinance No. 5160

Case No. Z 06-102

Applicant: Kenneth Kennedy

Request: Duplex Residential (R-D) District

LUCB and OPD recommendation: APPROVAL of the Duplex Residential (R-D) District

ACTION REQUESTED: Adopt the ordinance on Second reading

2. **ORDINANCE** rezoning the north side of Ball Road; +714 feet west of Airways Boulevard, 6.516 acres in the Light Industrial (I-L) District, up for S E C O N D reading.

Peete

Ordinance No. 5161

Case No. Z 06-101

Applicant: Alpha Omega Veteran Services
John F. Williams – Representative

Request: Multiple Family Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

3. **ORDINANCE** rezoning the west side of Mountain Terrace Street; +135 feet north of James Road, containing 4.44 acres in the Duplex Residential (R-D) District, up for S E C O N D reading.

Peete Ordinance No. 5162
Case No. Z 06-103

Applicant: Erby Price
Frank P. Palumbo, Jr. – Representative

Request: Single Family Residential (R-S6) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

4. **ORDINANCE** rezoning the south side of Monroe Av.; ±300 ft. east of McNeil St., containing 12,987 sq. ft. (0.30 acre), in the Multiple Dwelling Residential (R-MH) District, up for S E C O N D reading.

Peete Ordinance No. 5163
Case No. Z 06-104

Applicant: Cadence Bank, N.A.
Cindy Reaves, S.R Consulting, LLC –Representative

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** rezoning the northeast corner of McCorkle Road and Crescent Avenue, containing 86,651 sq. ft. (1.99 acres) in the Townhouse Residential (R-TH) District, up for S E C O N D reading.

Peete Ordinance No. 5164
Case No. Z 05-126

Applicant: R & D Development
Ghassemi and Associates – Representative

Request: Single-Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

6. **RESOLUTION** accepting AGNES PLACE PD, PHASE 1, and authorizing release of bond.

Case No. PD 02-346
(Contract No. CR-4887)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Range Line Road (North Hollywood Street), 183.63 feet north of Hawkins Mill Road. The standard improvement contract was approved on August 3, 2004. Resolution also authorizes the release of the Letter of Credit (No. 0181520) in the amount of \$41,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of MALONE PARK SUBDIVISION, SECTION A.
Case No. S 03-023
Contract No. CR-5007

Resolution approves the final plat located on the southwest corner of Latham Street and EH Crump Blvd. Cost of the required improvements to be borne by the Owner and the Contractor. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION approving final plat of MEMPHIS INTERMODAL FACILITY PARKING IMPROVEMENTS.

Contract No. CR-5008

Resolution approves the final plat located on the north side of US Hwy 78 at the intersection of Pleasant Hill Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving engineering plans of BAPTIST MEMORIAL HOSPITAL BOX CULVERT, SOUTH OF WALNUT GROVE ROAD.

Contract No. CR-5009

Resolution approves the final plat located on the south side of Walnut Grove Road, east of Brierview Street. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

10. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 06-305 – STAGE OAKS CONDOMINIUMS PLANNED DEVELOPMENT

Located on the south side of Stage Road; \pm 165 feet east of Kenneth Street, containing 7.02 acres in the Single Family Residential (R-S10) District

Applicant: NDSJ Investment Corporation
Old Engineering Services – Representative

Request: 100-unit residential development consisting of condominium apartments and townhouse condominiums

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. S 06-003 – JAMES J. PALMER SUBDIVISION

Located on the west side of Mendenhall Road; at the western terminus of Barry Road, containing 0.688 acre (29,969 square feet), in the Single Family Dwelling – Single Family Residential (R-S10) District

Applicant/Appellant: GKR Investments

Request: Appeal to overturn action of the Land Use Control Board which

rejected a two (2) lot preliminary plat subdivision located at 155
Mendenhall Road (06-003 James J. Palmer Subdivision)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, subject to seven (7) conditions and
(1) variance

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 2, 2006

GENERAL ITEMS



CITY OF MEMPHIS

COUNCIL AGENDA

April 25, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

MLGW FISCAL CONSENT

11. RESOLUTION awarding Contract No. 11087, HVAC Upgrade at McCord Pumping Station and Chiller Replacement for the Water Quality Laboratory, to Air Technical Services, Inc., in the funded amount of \$76,464.00.
12. RESOLUTION awarding Contract No. 11095, Chiller Replacement for Beale Street Landing Garage, to Barnes and Brower, Inc., in the funded amount of \$169,294.00.
13. RESOLUTION awarding Contract No. 11101, Reroof Five Buildings at Brunswick and Central Shops, to B Four Plied, Inc., in the funded amount of \$564,382.00.
14. RESOLUTION awarding Contract No. 11102, Reroof Six MLGW Buildings at Various Locations, to Treadwell-Chambers Roofing, Inc., in the funded amount of \$409,352.00.
15. RESOLUTION awarding Contract No. 11104, North Service Center Boiler Upgrade Building No. 8, to CS3, Inc., in the funded amount of \$98,800.00.
16. RESOLUTION approving Change No. 7 to Contract No. 10705, Oracle Software License and Services Agreement, with Oracle Inc., in the funded amount of \$113,054.98. (This renews the support services for the Oracle Suite/Application for the period May 29, 2006 to May 28, 2007.)
17. RESOLUTION approving Expedited Procurement Request for Change No. 4 to Contract No. 10918, Out-of-State Auto Insurance, with Pete Mitchell & Associates, Inc., in the funded amount of \$83,281.00. (This renews the contract for a third term of four renewal terms covering the period March 15, 2006 to March 15, 2007.)
18. RESOLUTION approving Change No. 2 to Contract No. 10999, GPS Cellular Services, with Sprint Nextel, Inc., formerly Nextel Communications, in the funded amount of \$38,000.00. (This renews the contract for a second term of four renewal terms covering the period April 1, 2006 to March 31, 2007.)
19. RESOLUTION requesting amendment to Purchase Order Number 123734 for circuit breakers with Square D Company, in the amount of \$630,039.00.
20. RESOLUTION awarding contract for power angle multi-meters and accessories to Megger, in the amount of \$26,325.00.
21. RESOLUTION awarding contract for #4/0 AWG wire to Tennessee Valley Electric Supply Company, in the amount of \$151,840.00.
22. RESOLUTION awarding contract for grounded-front switchgear to Tennessee Valley Electric Supply Company, in the amount of \$131,000.00.
23. RESOLUTION awarding contract for traffic signals to Superior Traffic Control, in the amount of \$47,740.00.
24. RESOLUTION awarding contract for #2 triplex cable to Utilicor, in the amount of \$170,450.00.
25. RESOLUTION awarding contract for Toad for Oracle Software License and Maintenance to Quest Software, Inc., in the amount of \$38,105.00.
26. RESOLUTION awarding 36-month contract for concrete to City Concrete, in the amount of \$3,209,100.00.



CITY OF MEMPHIS

COUNCIL AGENDA

April 25, 2006

Public Session, Tuesday, 3:30p.m.

Council Chambers, First Floor, City Hall

125 N. Main Street

Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

GENERAL ORDINANCE - THIRD AND FINAL READING (none)

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION

27. RESOLUTION appropriating \$865,000.00 in G. O. Bonds General in CIP Project IS01008 Desktop Standardization. This project will provide funds to standardize the City's operating systems and office suite on it's nearly 3,500 desktops.

Brittenum

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

28. RESOLUTION approving the sale of City owned property located on the east side of Hernando and south of Webster Alley, to Amador Fajardo and Charles Ogwudire, in the amount of \$3,900.00.

Ford

Resolution approves the sale of a 65' x 120' parcel located on the east side of Hernando, south of Webster Alley, acquired by the City of Memphis in Tax Sale #3, Chancery Court File #9415-R.D. Exhibit #384 on March 12, 1986. Property identified by the Shelby County Assessor's Office as Ward 011, Block 004, Parcel 016. Per ordinance, the sale of the subject parcel is **NOT** subject to being held over and Resolution approval shall be deemed as approval of sale. Resolution also authorizes the Mayor to execute the necessary documents in connection with the sale.

Director of General Services recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

29. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring an allocation and appropriating \$500,000.00 funded by G.O. Bonds-General from contract construction within HCD-Strategic Comm Investment project CD01022, to contract construction within Aprilwoods East and West, project CD01058, for infrastructure construction costs.

Holt

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring an allocation and appropriating \$500,000.00 funded by G.O. Bonds-General from contract construction with HCD-Middle Income Developer's Assistance Program, project CD01025, to contract construction within Bell Estates, project CD01062, for infrastructure construction costs.

Holt

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring an allocation of \$500,000.00 funded by G.O. Bonds-General from contract construction within HCD-Middle Income Developer's Assistance Program, project CD01025, to contract construction within Genesis Estates, project CD01063, for infrastructure construction costs.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES

32. RESOLUTION accepting grant funds in the amount of \$7,000.00 from the State of Tennessee Department of Military Tennessee Emergency Management Agency for the LEPC Training Grant to provide equipment and other resources for hazmat training and exercises conducted by the Memphis and Shelby County Local Emergency Planning Committee (LEPC). Resolution also amends the FY 2006 Operating Budget to establish and appropriate grant funds.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

33. RESOLUTION amending the FY 2006 Capital Improvement Budget by transferring a previous allocation and appropriating \$6,655.00 funded by Sewer Revenue Bonds from Rehab Existing Sewers, project number SW02001 to Vandergreen Pumps project number SW02066, for the purchase of two submersible sewer pumps.

Jones

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

34. RESOLUTION amending the Fiscal Year 2006 Capital Improvement Budget by transferring a previous allocation and appropriating \$1,080,000.00 funded by GO Bonds – General from Drainage, CIP Project number PW03006 to Rehab Stormwater Structures 05, CIP Project number PW03077, for a construction contract with Moore Construction for the installation of Cured-In-Place Pipe.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

35. **ORDINANCE** amending Section 29, Signs and Section 30, Nonconformities, up for T H I R D and F I N A L reading. (Held from 10/25; 11/1;11/15;12/06; 12/20; 1/03; 1/17; 2/7; 3/7)

Peete

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent regarding the location of off-premise signs and amend Section 30, Nonconformities regarding alteration, expansion, replacement and moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT

36. RESOLUTION approving a one-year time extension of a street/alley closure located between Jefferson Avenue and Court Street, containing 3,751.25 square feet (Area of R.O.W.) and 150.25' (feet) x 25' (feet) (Length x Width of R.O.W.), in the Central Business (CBD) District.

Peete

Case No. SAC 04-614

Applicant: Memphis Center City Commission (Memphis Center City Revenue Finance Corp.)
Nathan A. Bicks – Representative

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

PUBLIC HEARINGS

37. RESOLUTION approving a street/alley closure located on Wesley Drive, between Pace Road and Faronia Road, containing 1.139 acres. (Held from 11/01; 1/17; 2/7; 3/7)

Peete

Case No. SAC 05-610

Applicant: Methodist Healthcare – Tom Tollett
Homer Branan, III – Representative

Request: Close & Vacate Street Right-of-Way

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

12 NOTICES RE-MAILED ON OCTOBER 24, 2005

38. RESOLUTION approving a planned development located on the north side of Old Brownsville Road; +206 feet east of Brunswick Road, containing 16.61 acres in the Agricultural (AG) & Single Family Residential (R-S10) Districts.

Peete

Case No. PD 05-375cc

Applicant: Vince Smith
Dugan Design Group, LLC – Representative

Request: A residential planned development to create 31 single family detached lots (lot sizes range between 8,340 sq. ft. and approximately 31,247 sq. ft.)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES MAILED ON APRIL 13, 2006

39. RESOLUTION approving a planned development located on the west side of Houston Levee Road; +160 feet north of Woodland Hills Drive, containing 0.94 acre in the Parcel 6B of the Woodland Hills P.D. (Currently permits office uses).

Peete

Case No. PD 05-381cc

Applicant: Ethridge Enterprises
Jud TePaske (Fisher & Arnold Inc.) – Representative

Request: Revise the boundary separating Parcels 6A and 6B to permit commercial uses

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

59 NOTICES MAILED ON APRIL 13, 2006

40. RESOLUTION approving a planned development located on the northeast corner of Madison Avenue and Edgewood Street, containing .78 acre in the Duplex Residential (R-D) District.

Peete

Case No. PD 06-301

Applicant: Memphis Heritage Inc.
June West, Executive Director – Representative

Request: Headquarters (Office) with accessory dwelling unit

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

67 NOTICES MAILED ON APRIL 13, 2006

41. RESOLUTION approving a planned development located on the south side of Bonnie Lane; +/-241 feet east of N. Germantown Parkway, containing 0.42 acre (18,295 sq. ft.) and is currently governed by Avanti-North Planned Development, 6th Amendment (P.D. 98-359).

Peete

Case No. PD 06-302

Applicant: J & L Holdings
McCaskill Consultants – Representative

Request: Planned development amendment to allow automobile service and repair in an existing building formerly used by 'Auto Radio' in Area 'A-3' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

50 NOTICES MAILED ON APRIL 13, 2006

42. RESOLUTION approving a planned development located on the northeast corner of Trezevant Street and Faxon Avenue, containing 1.07 acres in the Duplex Residential (R-D) District.

Peete

Case No. PD 06-304

Applicant: Alison Restivo (dba Midtown Revival, Inc.)
Wayne Martin - Representative

Request: One single family residential lot in addition to the current residence on this site

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

71 NOTICES MAILED ON APRIL 13, 2006

43. RESOLUTION approving a street/alley closure, East Street located north of Union Avenue, Monore Avenue located on the east side of Dudley Street; extending to 184' west of East Street, containing 0.91 acre in the Public roadways serving Memphis Bioworks Foundation.

Peete

Case No. SAC 05-622

Applicant: Memphis Biowork Foundation
ETI – Representative

Request: Close & Vacate Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON APRIL 13, 2006

44. RESOLUTION approving a use variance located on the southwest corner of Sam Cooper Boulevard and Lipford Street, containing 0.75 acre in the Single Family Residential (R-S6) and Single.

Peete

Case No. UV 06-03

Family Residential Infill (R-S6I) Districts

Applicant: Zion Temple C.O.G.I.C.
William E. Holt, P.E. – Representative

Request: Off-Site Church Parking Lot

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

149 NOTICES MAILED ON APRIL 13, 2006

GENERAL ITEMS

PRESENTATIONS AND RECOGNITION OF VISITORS

ADJOURNMENT

ADD-ONS

45. RESOLUTION honoring Administrative Professionals throughout the city.
Chumney

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 9 – Approved
10. Public Hearing set for May 2, 2006
11. Through 34 – Approved
35. Held to May 2, 2006
36. Approved
37. Held to August 15, 2006
38. Held to June 6, 2006
39. Approved
40. Held to May 2, 2006
41. Through 45 – Approved

ACTION TAKEN ON THE MINUTES OF APRIL 11, 2006 with the following motion:

MOTION: Marshall – Suspend the rules for the purpose of adding Item #29 to the Minutes of April 11, 2006

Without Objection, rules suspended, Item #29 added to Minutes of April 11, 2006

MOTION: Holt – Suspend the rules for the purpose of adding Item #30 and Item #31 to Minutes of April 11, 2006

SECOND: Ford

Without Objection, rules suspended, Item #30 and Item #31 added to the Minutes of April 11, 2006

MAIN MOTION: Holt

SECOND: Chumney

AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Sammons, Taylor and Chairman Mitchell
Brown did not cast a vote
Peete was absent

APPROVED, as amended